

# ATTACHMENT 1

Capital Reporting Company  
Craver vs. Leidos Holding, et al. 10-24-2014

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V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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JOSEPH W. CRAVER, III, :
:
Plaintiff, :
vs. : Case No.
:
LEIDOS HOLDINGS, INC., et al., : 2014-06321
:
Defendants. :
-----:

Fairfax, Virginia

Friday, October 24, 2014

The hearing in the above-captioned matter was held pursuant to notice, at the Fairfax County Courthouse, 4110 Chain Bridge Road, Fairfax, Virginia, before BLAIRE G. BENEFIELD, FPR, of Capital Reporting Company, a Notary Public in and for the Commonwealth of Virginia, commencing at 1:24 p.m., before the HONORABLE LORRAINE NORDLUND.

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1 A P P E A R A N C E S

2 On behalf of Plaintiff:

3 CARLA D. BROWN, ESQUIRE  
4 BRANDON NEWLANDS, ESQUIRE  
5 Charlson Bredehoft Cohen Brown & Sakata, P.C.  
6 11260 Roger Bacon Drive  
7 Suite 201  
8 Reston, Virginia 20190  
9 (703) 318-6800  
10 Cbrown@cbcblaw.com

8 On behalf of Defendants:

9 MARTIN A. HEWETT, ESQUIRE  
10 ANDREA R. LUCAS, ESQUIRE  
11 Gibson, Dunn & Crutcher LLP  
12 1050 Connecticut Avenue, Northwest  
13 Washington, D.C. 20036  
14 (202) 955-8500  
15 Alucas@gibsondunn.com

13 ALSO PRESENT:

14 Nicholas J. Dilenschneider, Gibson Dunn

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1 P R O C E E D I N G S

2 (Whereupon, the court reporter was  
3 sworn.)

4 MS. BROWN: May it please the Court,  
5 Carla Brown on behalf of Joseph Craver. I'm  
6 joined by Brandon Newlands who is admitted pro hac  
7 vice and will be arguing. And also Nick  
8 Dilenschneider who is in the well of the court and  
9 recently passed the bar but is not yet admitted.

10 THE COURT: Great.

11 MR. NEWLANDS: Good morning, Your Honor.

12 MS. LUCAS: Good morning, Your Honor.

13 Andrea Lucas on behalf of defendants Leidos  
14 Holdings, Inc., and Defendant Jonathan P. Jumper.  
15 I'm also joined by my colleague Martin Hewett.

16 MR. HEWETT: Good morning, Your Honor.

17 THE COURT: Mr. Hewett.

18 MS. LUCAS: He's admitted pro hac vice.  
19 May it please the Court, may I proceed?

20 THE COURT: Yes.

21 MS. LUCAS: Your Honor, defendants in  
22 this requested essentially three categories of

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1 very basic but highly relevant information. And  
2 this information is critical to defendants'  
3 litigation of this case; in particular,  
4 Plaintiff's upcoming deposition which is scheduled  
5 for just ten days from now. The three categories  
6 of information are the names and contacts of  
7 potential employers with whom Plaintiff has  
8 pursued job opportunities, including pending  
9 opportunities. That's addressed by Defendants'  
10 interrogatory number 3.

11 THE COURT: Let me ask you this.

12 MS. LUCAS: Sure.

13 THE COURT: The problem I have with that  
14 is that you are saying that the reason you want to  
15 know the potential employers is because you want  
16 to see his applications and what it is that he's  
17 represented, correct?

18 MS. LUCAS: Yes, Your Honor. That's one  
19 of the reasons.

20 THE COURT: What other reason would  
21 there be?

22 MS. LUCAS: Well, those are the primary

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1 reasons, but to flesh that out, it's to see what  
2 he said about his departure from Leidos as well as  
3 whether or not their files reflect consideration  
4 of the --

5 THE COURT: So why do you need the names  
6 of those?

7 MS. LUCAS: Well, Your Honor, in order  
8 to have the name -- in order to obtain their  
9 files, we need to know the names.

10 THE COURT: Why? Why?

11 I mean, if you're going to be given  
12 copies of those applications with that information  
13 redacted, why do you need the name of those  
14 potential employers other than for the purpose of  
15 harassment to prevent future employment?

16 MS. LUCAS: Your Honor, we absolutely  
17 reject the assertion that we're trying to harass  
18 them, but these are the --

19 THE COURT: Well, I don't reject it.

20 MS. LUCAS: We respectfully disagree.  
21 We're seeking to --

22 THE COURT: See, here's the thing: You

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1 don't need the names. You just need to know and  
2 see the applications to see what he said. And  
3 that information regarding the prospective  
4 employers can be redacted out. And I could order  
5 that it be for attorney's eyes only as well or I  
6 could simply have it be in camera and you all  
7 could come into court and view it there. But I'm  
8 not going to simply give you all -- and I agree  
9 with them. I'm not going to give you all carte  
10 blanche to prevent him from obtaining future  
11 employment. That's not appropriate.

12 MS. LUCAS: Defendants certainly want  
13 plaintiff to become employed, but the plaintiff  
14 has admitted in his interrogatory responses that  
15 he's seeking employment with --

16 THE COURT: And yet you've sought  
17 employment applications from those -- from those  
18 employers with whom he's sought employment, you've  
19 gone ahead and subpoenaed the employment  
20 applications, employment records, job  
21 applications, résumés, cover letters, interview  
22 notes from the companies themselves, and all other

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1 documents. And essentially making it so that no  
2 employer is going to want to touch this man.

3 MS. LUCAS: Again, respectfully, Your  
4 Honor, these are multi-national companies.  
5 They're large, multi-billion dollar companies.  
6 They routinely deal with subpoenas every day, and  
7 they deal with them in the ordinary course of  
8 business. It is completely typical to receive  
9 requests for information like this, and this is  
10 not a --

11 THE COURT: And we're dealing with --

12 MS. LUCAS: -- significant --

13 THE COURT: -- companies that are  
14 dealing with top secret security clearances, SAIC  
15 and the like. The last thing they're going to  
16 want to be involved in is something where  
17 everything they're doing is being subpoenaed. If  
18 the purpose -- if the real purpose is simply to  
19 see what this man is saying in his applications,  
20 absolutely you get those. But the information  
21 about who those employers may be needs to be  
22 redacted.



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1 MS. LUCAS: Well, respectfully, Your  
2 Honor, Plaintiff has not provided all of the  
3 information on a variety of those employers, so  
4 it's difficult to assess whether or not he's  
5 actually produced documents if we don't have the  
6 identity or at least the list of the number of  
7 employers that he is potentially seeking,  
8 including pending --

9 THE COURT: Why do you need the list of  
10 employers? Why do you need the list of that? Why  
11 do you need to know each and every person that  
12 he's looking at for future employment? What  
13 difference does that make in terms of what he's  
14 told people?

15 MS. LUCAS: Well, it matters --

16 THE COURT: Why?

17 MS. LUCAS: -- for several reasons,  
18 about his mitigation for damages, about whether or  
19 not he's --

20 THE COURT: So in other words --

21 MS. LUCAS: -- seeking --

22 THE COURT: -- you need to mitigate

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1 damages, but we're going to make it impossible for  
2 you to mitigate damages?

3 MS. LUCAS: We respectfully disagree  
4 that we're making it impossible for him to --

5 THE COURT: Of course you are.

6 MS. LUCAS: -- pursue employment.

7 THE COURT: Of course you are. You are  
8 making it very difficult. You are harassing him  
9 in his ability to seek new employment and making  
10 it difficult in an area where secret clearances  
11 are involved and the last thing they want is to  
12 have their records subject to subpoenas from a  
13 court. And they've already made allegations that  
14 it's made it difficult.

15 So I don't understand. I mean, if your  
16 true purpose -- if your true purpose is just to  
17 see what he said, then that is satisfied by  
18 receiving these in a redacted form rather than  
19 getting the list of everybody that he's looking at  
20 as potential employers so you can then contact  
21 them and let them know that they have a problem  
22 coming.

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1 CERTIFICATE OF COURT REPORTER

2 I, BLAIRE G. BENEFIELD, FPR, the officer  
3 before whom the foregoing hearing was taken, do  
4 hereby certify that the testimony appearing in the  
5 foregoing hearing was taken by me in stenotype and  
6 thereafter reduced to typewriting by me; that said  
7 transcription is a true record of the proceedings;  
8 that I am neither counsel for, related to, nor  
9 employed by any of the parties to the action in  
10 which this was taken; and, further, that I am not  
11 a relative or employee of any counsel or attorney  
12 employed by the parties hereto, nor financially or  
13 otherwise interested in the outcome of this  
14 action.



*BBenefield*

18 BLAIRE G. BENEFIELD  
19 Notary Public in and for the  
Commonwealth of Virginia

20 My commission expires:

21 January 31, 2016

22 Notary Registration No.: 7530333